

REMARKS

Claims 1, 3-4, 8-15, 39, 41, 43-45, and 47-53 have been amended, claims 2, 33-38, and 40 have been canceled without prejudice or disclaimer. Accordingly, claims 1, 3-4, 8-15, 39, 41, 43-45, and 47-53 are currently pending and under consideration in the application, of which claims 1 and 39 are independent. Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 103

Claims 1-4, 8, 14, 39-41, 45-49, and 52 stand rejected under 35 U.S.C. § 103(a), as being allegedly unpatentable over U.S. Patent No. 6,389,473 issued to Carmel, *et al.* ("Carmel"), in view of U.S. Patent Application Publication No. 2004/0143672 applied for by Padmanabham, *et al.* ("Padmanabham"). In particular, the Examiner asserts that Padmanabham remedies the deficits of Carmel, by teaching the redistribution of sub blocks from a bad node to another node.

In order to even more particularly point out the aspects of the present invention, claims 1 and 39 have been amended, so as to recite: dividing the first block into a plurality of sub blocks, sending a request to the nodes to download assigned ones of the sub blocks to the user client, in parallel; and reassigning only un-downloaded ones of the sub blocks, based on the monitoring, from a first one of the nodes to a second one of the nodes, if the first node is determined to have a bad connection, and if the second node finishes downloading before the first node. Support for this amendment can be found in original claims and present paragraphs [0118]-[0123].

In contrast, Carmel discloses forming multiple links between a computer and a server, in order to insure sufficient bandwidth between the computer and the server (Fig. 4; col. 9, lines 14-22). In addition, Carmel discloses that, in the event that a link 60 is not responding or is responding too slowly, the computer 34 breaks the link, and the file being transmitted over the link may be retransmitted over another link (col. 10, lines 9-13).

As such, while Carmel appears to disclose that the links may be routed through different telephone lines and/or through different nodes, Carmel fails to teach or disclose sending a request to the nodes, to download assigned ones of the sub blocks, as recited in present claims 1 and 39. In other words, the links of Carmel operates as data conduits, not as data storage nodes to download assigned ones of the sub blocks stored thereon.

In addition, since Carmel discloses retransmitting a file being transmitted over a broken or slow link, Carmel fails to teach or disclose reassigning only un-downloaded sub blocks, in the event of a bad connection, as recited in present claims 1 and 39. In other words, since Carmel teaches retransmitting an entire file over another link, Carmel fails to teach or disclose downloading only the un-downloaded sub-blocks of the file.

Finally, with regard to the Examiner's assertion that Carmel teaches reassigning sub-blocks to from a first node to a second node, when down loading is completed at the second node, Applicants note that Carmel merely discloses that a file may be retransmitted over another link, if the computer breaks the link. As such, Carmel fails to teach or disclose reassigning un-downloaded sub blocks to a second node, if a second node finishes downloading before a first node, because Carmel fails to teach or disclose that the reassignment occurs in the event that the second node has completed downloading.

Accordingly, Carmel fails to remedy the admitted deficits of Padmanabham and thus, the cited combination fails to teach or disclose all aspects of amended claims 1 and 39. Therefore,

this rejection has been respectfully traversed. Reconsideration and withdrawal are respectfully requested. .

Claims 9 and 50 stand rejected under 35 U.S.C. § 103(a), as being allegedly unpatentable over Carmel in view of Padmanabham, and further in view of U.S. Patent No. 7,181,506 issued to Vigue, *et al.* ("Vigue"). In particular, the Examiner asserts that Vigue remedies the deficits of Carmel and Padmanabham, by teaching storing information of nodes where a connection establishment failed.

For at least the reasons recited above, Vigue fails to remedy the deficits of Padmanabham. Therefore, this rejection has been respectfully traversed. Reconsideration and withdrawal are respectfully requested.

Claims 15 and 53 stand rejected under 35 U.S.C. § 103(a), as being allegedly unpatentable over Carmel in view of Padmanabham, and further in view of U.S. Patent Application Publication No. 2002/0004846 applied for by Garcia-Luna-Aceves, *et al.* ("Garcia-Luna-Aceves"). In particular, the Examiner asserts that Garcia-Luna-Aceves remedies the deficits of Carmel and Padmanabham, by teaching the downloading of streaming data, by connecting to a singular server, if sub block downloading from a plurality of nodes fails.

For at least the reasons recited above, Garcia-Luna-Aceves fails to remedy the deficits of Padmanabham and Carmel. Therefore, this rejection has been respectfully traversed. Reconsideration and withdrawal are respectfully requested.

Claims 10-12 and 43-45 stand rejected under 35 U.S.C. § 103(a), as being allegedly unpatentable over Carmel in view of Padmanabham, and further in view of U.S. Patent No. 6,445,679 issued to Taniguchi, *et al.* ("Taniguchi"). In particular, the Examiner asserts that

Taniguchi remedies the deficits of Carmel and Padmanabham, by teaching the concept of determining sub blocks to be downloaded, using node state information.

For at least the reasons recited above, Taniguchi fails to remedy the deficits of Padmanabham and Carmel. Therefore, this rejection has been respectfully traversed. Reconsideration and withdrawal are respectfully requested.

Claims 13 and 51 stand rejected under 35 U.S.C. § 103(a,) as being allegedly unpatentable over Carmel in view of Padmanabham, and further in view of U.S. Patent Application Publication No. 2002/0136203 applied for by Liva, *et al.* ("Liva"). "). In particular, the Examiner asserts that Liva remedies the deficits of Carmel and Padmanabham, by teaching the determination of a downloading error using a checksum value.

For at least the reasons recited above, Liva fails to remedy the deficits of Padmanabham and Carmel. Therefore, this rejection has been respectfully traversed. Reconsideration and withdrawal are respectfully requested.

CONCLUSION

A full and complete response has been made to the pending Office Action, and all of the stated objections and grounds for rejection have been overcome or rendered moot.

Accordingly, all pending claims are allowable, and the application is in condition for allowance.

The Examiner is invited to contact Applicant's undersigned representative at the number below if it would expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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